

## CHAPTER 158

## STREET CONSTRUCTION FUND

H. F. 418

AN ACT relating to bonds of cities or towns for street improvements and their payment from the street construction fund and to amend section three hundred ninety-six point twenty-two (396.22), Code 1950.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. Section three hundred ninety-six point twenty-two
- 2 (396.22),\* Code 1950, is amended by striking from the next to the last
- 3 line of said section the figures, "324.63" and inserting in lieu thereof
- 4 the figures "308A.6".

Approved April 5, 1951.

\*Repealed by chapter 159, §82.

## CHAPTER 159

## MUNICIPAL REVENUE

S. F. 212

AN ACT relating to taxation and other sources of municipal revenue, and to repeal chapter four hundred four (404) of the Code relating thereto and enact a substitute therefor, and to repeal certain other sections of the Code relating thereto, and to amend certain sections of the Code relating thereto.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 That Chapter four hundred four (404), Code 1950, is hereby re-
- 2 pealed and Sections one (1) to twenty-five (25), inclusive, hereof are
- 3 enacted in lieu thereof.

- 1 SECTION 1. Power to tax. Municipal corporations shall have power
- 2 to cause to be levied, the taxes provided by this Chapter, and such
- 3 other taxes and special assessments as are specifically provided by law
- 4 except as modified by the provisions of this Chapter.

- 1 SEC. 2. Functional funds—maximum levy. Municipal corporations
- 2 shall have power to establish the functional funds provided by sections
- 3 six (6) to twelve (12), inclusive of this Chapter and to cause taxes to
- 4 be levied on all taxable property within the corporate limits according
- 5 to the needs of the particular corporation for each particular function,
- 6 not to exceed the maximum millage rate designated in said sections
- 7 for any function, and in the aggregate not to exceed thirty mills on
- 8 the dollar in any tax year for all of said functions, and they shall also
- 9 have power to establish a debt service fund, and trust or agency funds.

- 1 SEC. 3. Certification of taxes and assessments. All assessments
- 2 and taxes of every kind and nature caused to be levied by the council,
- 3 except as otherwise provided by law, shall be certified by the clerk on
- 4 or before the first day of September to the county auditor, and by him
- 5 placed upon the tax list for the current year, and the county treasurer
- 6 shall collect such assessments and taxes in the same manner as other
- 7 taxes, and when delinquent they shall draw the same interest and
- 8 penalties.

1     **SEC. 4. Allocation of revenue.** Municipal corporations shall, at  
2     the first meeting of the Council after January 1, allocate by resolution  
3     the estimated revenue from all levies to the purposes authorized by  
4     law and shall allocate sufficient revenue to the debt service fund from  
5     other funds or sources to pay all bonds and interest thereon as they  
6     become due. Said allocations shall also include receipts from sources  
7     other than taxation, estimated unincumbered balances from the pre-  
8     vious year, and any contemplated transfers of funds. The books of  
9     the corporation shall reflect at all times:

10    1. The nature and amount of each sum received and expended in  
11    each functional fund.

12    2. The total amount appropriated in each functional fund.

13    3. The total amount appropriated in each of the divisions or accounts  
14    within each functional fund as set forth in sections six (6) through  
15    twelve (12) of this act.

16    4. The unexpended balance remaining in each functional fund and  
17    in each division or account within such functional fund.

18    5. All financial records of the corporation shall be a public record  
19    and open to public inspection during business hours.

1     **SEC. 5. Flexibility provisions.** Municipal corporations may fit  
2     their income to their needs in the following ways:

3     1. Before certification, by determining the amounts to be levied for  
4     each functional fund, as provided by section two (2) of this chapter  
5     and by proposed allocations for each particular division or account  
6     within each functional fund;

7     2. By allocation of estimated income to authorized purposes within  
8     each functional fund as provided in section four (4) of this chapter;

9     3. By subsequent resolution of the council amending such allocations  
10    within any functional fund to fit actual income to the authorized pur-  
11    poses of such functional fund, as the need arises, provided, however,  
12    that said amendments may not increase such allocations without a  
13    two-thirds ( $\frac{2}{3}$ ) vote of the body which made the original allocation;

14    4. By transfers from one functional fund to another in the manner  
15    provided by chapter twenty-four (24), or by creating an emergency  
16    fund in the manner provided by that chapter;

17    5. By transfers of surplus from the debt service fund, as provided  
18    by section nineteen (19) of this chapter, subject, however, to the  
19    approval of the state comptroller. Before such approval is given, the  
20    state comptroller shall assure himself that good business practice has  
21    been followed and that there is reasonable assurance of prompt, regular  
22    payment of the debt in the future.

1     **SEC. 6. General government.** Municipal corporations shall have  
2     power to annually cause to be levied for a fund to be known as the  
3     general fund a tax not to exceed seven (7) mills on the dollar on all  
4     taxable property within the corporate limits and allocate the proceeds  
5     thereof to be used for the following purposes:

6     1. General and incidental expenses;

7     2. Construction, purchase, or remodeling of a city or town hall and  
8     such other buildings as the size, condition, and governmental activities

9 of the corporation make reasonable or necessary, and purchase of the  
10 necessary sites therefor;

11 3. Improvement, operation and maintenance of the city or town  
12 hall and other governmental buildings;

13 4. City planning purposes as provided in chapter three hundred  
14 seventy-three (373);

15 5. Expenses in connection with weights and standards, as provided  
16 in section two hundred thirteen point seven (213.7);

17 6. Expenses in connection with elections required or authorized by  
18 law to be paid by municipal corporations;

19 7. Bonds of municipal officers or employees to be paid by the mu-  
20 nicipal corporation;

21 8. Defense expenses of a municipal officer sought to be removed  
22 from office, when payable by the municipal corporation under the  
23 provisions of section sixty-six point twenty-three (66.23).

1 SEC. 7. Street fund. Municipal corporations shall have power to  
2 annually cause to be levied for a fund to be known as the street fund  
3 a tax not to exceed seven (7) mills on the dollar on all taxable prop-  
4 erty within the corporate limits and allocate the proceeds thereof to  
5 be spent for the following purposes;

6 1. Construction, reconstruction, repair, and maintenance of vi-  
7 aducts, underpasses, grade crossing separations, and approaches there-  
8 to, except those constructed or maintained by any railroad company  
9 under the provisions of chapter three hundred eighty-seven (387);

10 2. Opening, widening, extending, constructing, maintaining, repair-  
11 ing, surfacing, marking, and grading any street, highway, avenue,  
12 alley, public ground, or market place, and purchase of necessary equip-  
13 ment and machinery therefor;

14 3. To pay for deficiencies in assessments and for plats and schedules  
15 as provided by law, and for the construction, reconstruction, and re-  
16 pair of any street improvements at the intersection of streets, high-  
17 ways, avenues, and alleys, and for one-half of the cost of such improve-  
18 ments at the intersection of streets, avenues, highways, and alleys not  
19 crossing, and for spaces opposite property owned by the municipal  
20 corporation or by the United States, and for the purchase price of  
21 property purchased by the city at tax sale and subsequent taxes as-  
22 sessed against such property;

23 4. For the removal of snow and ice from the streets;

24 5. In lieu of the tax provided by section three hundred ninety point  
25 two (390.2) to acquire and improve real estate and to erect or improve  
26 buildings thereon for the parking of vehicles to the extent that income  
27 from parking meters or parking lots is insufficient for said purposes;

28 6. To pay any special assessment with interest, or any installment  
29 thereof with interest, levied against any street, alley, highway, public  
30 way, or park by the board of supervisors for drainage purposes;

31 7. In lieu of the tax provided by section three hundred eighty-seven  
32 point six (387.6) for the payment of damages to property caused by  
33 construction of a viaduct;

34 8. For all bridge purposes;

35 9. In lieu of the tax provided by section three hundred eighty-three  
36 point eight (383.8) for preliminary expense on interstate bridges;

37 10. For payment of damages to property for which the municipal  
38 corporation is liable under the provisions of sections three hundred  
39 eighty-nine point twenty-two (389.22) to three hundred eighty-nine  
40 point twenty-five (389.25), inclusive;

41 11. To plant, prune, care for, and maintain trees and shrubbery on  
42 public streets;

43 12. For the purchase of necessary street equipment and machinery,  
44 provided, however, that in no fiscal year more than ten percent (10%)  
45 or twenty thousand dollars (\$20,000), whichever is the greater, of  
46 said fund be used for this purpose;

47 13. For any other purpose having to do with streets specifically  
48 authorized by law.

1 SEC. 8. Public safety fund. Municipal corporations shall have  
2 power to annually cause to be levied for a fund to be known as the  
3 public safety fund a tax not to exceed twelve (12) mills on the dollar  
4 on all taxable property within the corporate limits and allocate the  
5 proceeds thereof to be used for the following purposes:

6 1. To establish, equip, staff, and maintain a police department;

7 2. To establish, equip, staff, and maintain a fire department;

8 3. To establish, erect, and maintain a jail and such number of police  
9 and fire stations as circumstances require;

10 4. To pay the expenses of maintaining a municipal court;

11 5. In lieu of the taxes provided in chapter three hundred ninety-five  
12 (395) on flood control;

13 6. Liability insurance premiums authorized by section three hun-  
14 dred twenty-one point four hundred ninety-seven (321.497);

15 7. For any other purpose having to do with public safety specifically  
16 authorized by law.

1 SEC. 9. Sanitation fund. Municipal corporations shall have power  
2 to annually cause to be levied for a fund to be known as the sanitation  
3 fund a tax not to exceed seven (7) mills on the dollar on all taxable  
4 property within the corporate limits and allocate the proceeds thereof  
5 to be used for the following purposes:

6 1. To pay for deficiencies in special assessments for sewers as pro-  
7 vided by law, and for the construction, reconstruction, and repair of  
8 any sewer at the intersection of streets, highways, avenues, and alleys,  
9 and for one-half of the cost of such sewer at the intersections of streets,  
10 highways, avenues, and alleys not crossing and for spaces opposite  
11 property owned by the municipal corporation or by the United States,  
12 and for the whole or any part of the construction, reconstruction, or  
13 repair of any sewer within the limits of said municipal corporation,  
14 and for the construction, reconstruction, maintenance, and operation  
15 of any sewage disposal plants;

16 2. To control surface waters flowing into sewers, sewer outlets, and  
17 disposal plants;

18 3. To construct sewer outlets and sewage purifying plants and to  
19 purchase dump grounds;

- 20 4. To pay for establishing and maintaining comfort stations;  
21 5. To pay the cost of collection and disposal of garbage and refuse  
22 and for the sprinkling, flushing, or cleaning of streets;  
23 6. For the construction, reconstruction, or repair of any main sewer  
24 within the municipal corporation and those extending outside the cor-  
25 porate limits;  
26 7. For the purpose of carrying out the provisions of the laws relat-  
27 ing to public health;  
28 8. For any other purpose having to do with sanitation, specifically  
29 authorized by law.

1 SEC. 10. **Municipal enterprises.** Municipal corporations shall have  
2 power to annually cause to be levied for a fund to be known as the  
3 municipal enterprises fund an annual tax not to exceed ten (10) mills  
4 on the dollar on all taxable property within the corporate limits and  
5 allocate the proceeds thereof to be spent for the following purposes:

- 6 1. To pay for land acquired for cemetery purposes and the interest  
7 accruing on the cost thereof;  
8 2. For the care, preservation, and adornment of any cemetery  
9 utilized for burial purposes by the people of the city or town;  
10 3. For the purchase of a library site and construction of buildings  
11 thereon;  
12 4. For the maintenance of a free public library. The board of  
13 library trustees shall, on or before the first day of August in each year,  
14 make an estimate of the amount it deems necessary for the improve-  
15 ment, operation, and maintenance of the library and shall transmit  
16 said estimate together with a statement of the amount necessary for  
17 the purposes authorized by subsection three (3) to the council. In  
18 no event shall the amount of tax allocated for maintenance purposes  
19 exceed the amount that would be derived from a three mill levy at  
20 current valuations, nor shall the amount allocated for purposes of sub-  
21 section three (3) exceed the amount that would be derived from a  
22 levy of three-fourths mill at current valuations.  
23 5. When a public library has not been established, to secure for the  
24 inhabitants of the municipal corporation the free use of a public  
25 library.  
26 6. When a municipal hospital has been established, for the purpose  
27 of purchasing sites for hospitals or sites with buildings thereon for  
28 hospital purposes, and constructing, reconstructing, rebuilding, re-  
29 modeling or enlarging buildings to be used for hospitals;  
30 7. To improve, operate, and maintain a municipal hospital;  
31 8. In lieu of the taxes provided by sections three hundred thirty  
32 point seven (330.7) and three hundred thirty point sixteen (330.16)  
33 to acquire, operate, or equip a municipal airport;  
34 9. For purposes of river front improvement and in lieu of the taxes  
35 provided therefor in chapter three hundred seventy-two (372);  
36 10. In lieu of the taxes provided by sections five hundred sixty-five  
37 point nine (565.9) and five hundred sixty-five point thirteen (565.13)  
38 to provide annuities for gifts accepted by municipal corporations, but  
39 not in excess of the limits provided therein;

40 11. In lieu of the taxes provided by section three hundred eighty-  
41 four point three (384.3) for dock purposes;

42 12. In lieu of the taxes provided by sections thirty-seven point seven  
43 (37.7) and thirty-seven point eight (37.8) for memorial halls and  
44 monuments;

45 13. For any other purpose having to do with municipal enterprises,  
46 specifically authorized by law.

1 SEC. 11. **Recreation.** Municipal corporations shall have power to  
2 annually cause to be levied for a fund to be known as the recreation  
3 fund a tax not to exceed five (5) mills on the dollar on all taxable  
4 property within the corporate limits and allocate the proceeds thereof  
5 to be used for the following purposes:

6 1. To purchase real estate for use as a community center and con-  
7 struct thereon buildings with proper equipment;

8 2. For the development, improvement, maintenance, or operation of  
9 community centers, playgrounds, and swimming pools;

10 3. For the purchase, construction, maintenance, and operation of  
11 a place for the exhibition of works of art, or for the support of an  
12 established art gallery, museum, institute, or center conducted for the  
13 use and benefit of the public and not for profit;

14 4. To purchase real estate for park, art, or memorial purposes;

15 5. For the purpose of caring for and improving the parks;

16 6. Procuring a site and for constructing swimming pools, bathing  
17 beaches, bath houses, exhibition halls, armories, ice rinks, dance pa-  
18 vilions, shelter houses, wading pools, river walls, field house, athletic  
19 or recreational facilities, and for paving, macadamizing, and other-  
20 wise improving roadways, drives, avenues, and walks in parks;

21 7. In lieu of the tax provided by sections three hundred seventy-  
22 five point one (375.1) and three hundred seventy-five point four  
23 (375.4) for band purposes;

24 8. In lieu of all taxes provided by chapter three hundred seventy  
25 (370) for park purposes;

26 9. In lieu of the tax provided by section three hundred seventy-  
27 nine-A point one (379A.1) for a symphony orchestra;

28 10. For any other purpose having to do with recreation, specifically  
29 authorized by law.

1 SEC. 12. **Utilities.** Municipal corporations shall have power to  
2 annually cause to be levied for a fund to be known as the utilities  
3 fund a tax not to exceed five (5) mills on the dollar on all taxable  
4 property within the corporate limits and allocate the proceeds thereof  
5 to be used for the following purposes:

6 1. If the authorized rates or rentals are insufficient to meet the ex-  
7 penses of running, operating, and repairing the waterworks, gas or  
8 electric plant, or power plant owned or operated by the municipal  
9 corporation, and the interest on any bonds issued to pay for the con-  
10 struction, reconstruction, repair, or extension of such works, such  
11 amount as may be necessary to make up the deficiency;

12 2. To pay the principal of bonds issued for the construction or pur-  
• 13 chase of waterworks, gasworks, electric light or power plants;

14 3. In cities and towns owning and operating a light plant to pay  
15 for electricity for street lighting and other municipal purposes;

16 4. Payment for water furnished the corporation under contract;

17 5. Payment for gas, light, heat, and power furnished the corporation  
18 under contract;

19 6. In lieu of the tax provided by section three hundred eighty-nine  
20 point eighteen (389.18) for street lighting;

21 7. In lieu of the taxes provided by sections three hundred ninety-  
22 eight point one (398.1) and three hundred ninety-nine point five  
23 (399.5) for the purchase or construction of waterworks;

24 8. For any other purpose relating to municipal utilities, specifically  
25 authorized by law.

1 SEC. 13. **Debt service.** Municipal corporations shall establish a  
2 debt service fund and shall cause to be levied for said fund a tax in  
3 such number of mills on the dollar on all taxable property within the  
4 corporate limits, as is necessary for the following purposes:

5 1. To pay all judgments against the municipal corporation other  
6 than those specifically authorized by law to be paid from other funds;

7 2. To pay the interest accruing on funding and refunding bonds  
8 outstanding, and such proportion of the principal that at the end of  
9 the first quarter of the term of any issue of bonds the sum raised shall  
10 equal at least twenty percent of the bonds issued; at the end of the  
11 second quarter of said term at least forty percent of said amount; at  
12 the end of the third quarter of said term at least sixty-five percent of  
13 said amount; and on or before the date of maturity of said bonds a  
14 sum equal to the whole amount of unpaid interest and principal;

15 3. For such other purposes relating to debt service as are specifically  
16 authorized by law;

17 It shall be the duty of the council to allocate the proceeds of the tax  
18 herein provided to accomplish the purposes herein enumerated.

1 SEC. 14. **Separate allocations.** A separate allocation within each  
2 functional fund shall be made for each particular purpose enumerated  
3 in the various subsections of sections six (6) to twelve (12) inclusive,  
4 and for each particular purpose within a particular subsection when  
5 they are reasonably separable.

1 SEC. 15. **Agricultural lands.** No land included within the limits  
2 of any municipal corporation which is not laid off into lots of ten  
3 acres or less, and which is also in good faith occupied and used for  
4 agricultural or horticultural purposes shall be taxable for any city  
5 or town purpose, except that said lands and all personal property neces-  
6 sary to the use and cultivation of said agricultural or horticultural  
7 lands, shall be liable to taxation, not to exceed one and one-fourth  
8 ( $1\frac{1}{4}$ ) mills in any year, for municipal street purposes.

1 SEC. 16. **Trust and agency funds.** Municipal corporations shall  
2 have power to establish trust and agency funds for the purpose of  
3 accounting for gifts received by the corporation for a particular pur-  
4 pose and for the purpose of accounting for money and property re-  
5 ceived and handled by such corporations as trustee or custodian or in

6 the capacity of an agent of any public moneys as authorized by law  
7 and to levy such taxes as are authorized by law.

1 SEC. 17. Establishment of operating fund. For the purpose of  
2 simplifying administrative procedure, the council may, by resolution,  
3 authorize the transfer of receipts in the general fund, the street fund,  
4 the public safety fund and the sanitation fund, to a fund to be known  
5 as the operating fund, and claims payable from any of said functional  
6 funds may be paid by warrants drawn against the operating fund. In  
7 no event, however, shall the amount disbursed from the operating fund  
8 for any purpose be in excess of the receipts to said operating fund  
9 from the applicable functional fund or in excess of the amount ap-  
10 propriated for said purpose or particular function, without prior ap-  
11 proval by the state comptroller.

1 SEC. 18. Anticipation of revenue. Loans may be negotiated or  
2 warrants issued by any municipal corporation in anticipation of its  
3 revenues for the fiscal year in which such loans are negotiated or war-  
4 rants issued, but the aggregate amount of such loans and warrants  
5 shall not exceed the estimated revenue of such corporation for the  
6 fund or purpose for which the taxes are to be collected for such fiscal  
7 year, except as provided in the law relating to special assessments of  
8 public improvements. The council may cause bonds to be issued for  
9 purposes of cemetery purchase, dump ground purchase, grading, street  
10 improvement, sewer and purifying plant construction, flood protection,  
11 equipping fire departments, airports, and parking lots, provided that  
12 the maximum amount of such outstanding bonds at any one time shall  
13 be no more than can be retired within twenty years, both as to prin-  
14 cipal and interest, by a levy not to exceed five mills, and provided  
15 further that the maximum millage levy authorized by section two (2)  
16 shall be reduced by whatever such amount is required to be levied in  
17 the debt service fund for financing such bonds.

1 SEC. 19. Taxes paid over. Before the third Monday of each month,  
2 the county treasurer shall give written notice to the clerk of each  
3 municipal corporation in the county of the amount collected for each  
4 fund up to the first day of that month, including the amounts collected  
5 to pay bonds issued to pay the costs of public improvements for which  
6 special assessments have been levied and certified, and the clerk of  
7 each municipal corporation shall draw an order therefor in favor of  
8 the municipal treasurer, countersigned by the mayor or auditor of the  
9 municipal corporation, upon the county treasurer, who shall pay such  
10 taxes to the municipal treasurer only on such order.

1 SEC. 20. Surplus of tax. When a tax has been levied by any mu-  
2 nicipal corporation for the debt service fund, such tax shall not be  
3 held invalid if the rate of tax raises an amount in excess of that sought  
4 for specific purposes. Money so raised shall be held in the debt service  
5 fund until all debts except those evidenced by revenue bonds are dis-  
6 charged and any surplus remaining thereafter may be transferred to  
7 any other fund or funds as the council by resolution may direct.

1 SEC. 21. Tax sales. Sales for delinquent assessments and taxes  
2 caused to be levied by any municipal corporation shall be made in the



3 manner provided by chapter four hundred forty-six (446), and should  
4 there be other delinquent taxes or assessments due from the same per-  
5 son, and collectible by the county treasurer, the sale shall be for all  
6 such delinquent assessments and taxes.

1 **SEC. 22. Diversion of funds.** Any councilman or officer of a mu-  
2 nicipal corporation who shall participate in, advise, consent, or allow  
3 the proceeds of any tax or assessment caused to be levied by such mu-  
4 nicipal corporation, or the proceeds of any source of municipal revenue  
5 other than taxation, to be diverted to any purpose not authorized by  
6 law, or who shall in any way become a party to such diversion, shall  
7 be guilty of willful maladministration.

1 **SEC. 23. Other sources of income.** Any income to a municipal  
2 corporation not designated by law to be placed in or credited to a  
3 certain existing fund enumerated in this chapter or otherwise provided  
4 by law shall be credited to the functional fund or funds enumerated in  
5 this chapter, which are allocable to the purpose or class of purposes  
6 most nearly related to the type of transaction from which the income  
7 arose.

1 **SEC. 24. Applicability.** The provisions of this chapter shall be  
2 applicable to all municipal corporations, regardless of form of gov-  
3 ernment or manner of incorporation.

1 **SEC. 25. Construction.** 1. The provisions of this chapter relating  
2 to the allocation of the proceeds from any tax to a particular purpose  
3 shall not be construed as superseding any provision in the law requir-  
4 ing an election as a prerequisite to taxation or expenditure of public  
5 funds for such purpose or to carrying out such purpose.

6 2. No enumeration of purposes contained in this chapter shall be  
7 construed to authorize the expenditure of funds for those purposes  
8 where the section of the Code conferring general power to carry on  
9 such purpose is limited to municipal corporations of a certain size or  
10 class unless the municipal corporation making the allocation is within  
11 such size or class.

12 3. When any section of the Code provides for the expenditure of  
13 funds for a purpose not designated under any of the functional funds  
14 provided in this chapter and such section also fails to specify an  
15 existing fund or funds from which such expenditure may be made, the  
16 proper fund allocable to the purpose shall be the functional fund al-  
17 locable to the class of purposes which would most logically include the  
18 purpose in question.

19 4. Whenever a body charged by law with administering funds for  
20 any particular function, shall have been elected by the people, the  
21 corporation shall adopt the budget of said body and shall allocate  
22 sufficient funds to meet said budget. However, in no event shall levies  
23 exceed the limits prescribed in section two (2) and in sections six (6)  
24 to twelve (12), inclusive, or exceed, for this purpose, without council  
25 approval, the levies heretofore permitted by law.

26 5. No other statute whether heretofore or hereafter enacted relating  
27 to the taxing power of municipal corporations, shall be construed to  
28 increase, the limits on millage levies established in section two (2)

29 and sections six (6) through twelve (12) of this Act, unless this Act  
30 is amended. In all laws hereafter enacted such amendment shall be  
31 a separate section of the Act.

1 SEC. 26. Section twenty-four point twenty-one (24.21), Code 1950,  
2 is amended by striking from lines nine (9) and ten (10) the words  
3 "general or contingent fund of the municipality" and inserting in lieu  
4 thereof the words "fund or funds of the municipality designated by  
5 such board".

1 SEC. 27. Section forty-eight point eighteen (48.18), Code 1950, is  
2 amended by striking from line six (6) the words "provide out of the  
3 current revenue" and inserting in lieu thereof "allocate from the gen-  
4 eral fund".

1 SEC. 28. Section three hundred point seven (300.7), Code 1950, is  
2 amended by striking from line fifteen (15) the words "general funds"  
3 and inserting in lieu thereof the words "recreation fund".

1 SEC. 29. Section three hundred eight-A point three (308A.3) sub-  
2 section two (2), Code 1950, is amended by striking from line eight  
3 (8) the words "street construction" and inserting in lieu thereof the  
4 word "street".

1 SEC. 30. Section three hundred eight-A point four (308A.4) sub-  
2 section two (2), Code 1950, is amended by striking from paragraph  
3 (d) the words "street construction" and inserting in lieu thereof the  
4 word "street".

1 SEC. 31. Section three hundred eight-A point six (308A.6), Code  
2 1950, is repealed, and the following enacted in lieu thereof:

3 "Limitation on use of funds. Funds received by municipal cor-  
4 porations from the road use tax fund shall be used solely for the con-  
5 struction, reconstruction, repair, and maintenance of roads and streets  
6 within municipal corporations. Such funds shall not be used for the  
7 purchase of machinery or equipment, except as provided in subsection  
8 twelve (12) of section seven (7).

1 SEC. 32. Section three hundred eleven point nineteen (311.19),  
2 Code 1950, is amended by striking from lines eight (8) and nine (9)  
3 of the second paragraph the word "general" and inserting in lieu  
4 thereof the word "street".

1 SEC. 33. Section three hundred twenty-one point two hundred  
2 thirty-eight (321.238), Code 1950, is amended by striking from lines  
3 five (5) to seven (7) "proceeds of the collection of fees charged for  
4 testing motor vehicles, including trucks" and inserting in lieu thereof  
5 "allocations from the public safety fund".

1 SEC. 34. Section three hundred twenty-one point two hundred  
2 thirty-nine (321.239), Code 1950, is amended by striking all of lines  
3 eight (8) to fifteen (15), inclusive, and inserting in lieu thereof "shall  
4 pay all fees so collected into the public safety fund".

1 SEC. 35. Section three hundred twenty-one point two hundred  
2 forty-six (321.246), Code 1950, is amended by striking therefrom all

3 of lines five (5) to twelve (12), inclusive, and inserting in lieu thereof  
4 "from allocations of the public safety fund".

1 SEC. 36. Section three hundred twenty-one point four hundred  
2 ninety-five (321.495), Code 1950, is amended by inserting the words  
3 "from the public safety fund" after the word "pay" in line fifteen (15).

1 SEC. 37. Section three hundred forty-eight point five (348.5), Code  
2 1950, is amended by striking all of lines twelve (12) to fourteen (14),  
3 inclusive, and inserting in lieu thereof "allocation of the municipal  
4 enterprises fund for hospital purposes shall cease".

1 SEC. 38. Section three hundred seventy point eight (370.8), Code  
2 1950, is amended by striking from line four (4) the words "county  
3 auditor" and inserting in lieu thereof the word "council".

1 SEC. 39. Sections three hundred seventy point twenty-five (370.25)  
2 and three hundred seventy point twenty-six (370.26), Code 1950, are  
3 hereby repealed.

1 SEC. 40. Section three hundred seventy point twenty-eight  
2 (370.28), Code 1950, is amended by striking from line nine (9) the  
3 words "county auditor" and inserting in lieu thereof the word  
4 "council".

1 SEC. 41. Section three hundred seventy point twenty-nine  
2 (370.29), Code 1950, is amended by striking from line eleven (11)  
3 the words "county auditor" and inserting in lieu thereof the word  
4 "council".

1 SEC. 42. Section three hundred seventy point thirty (370.30), Code  
2 1950, is amended by striking from line four (4) the words "county  
3 auditor" and inserting in lieu thereof the word "council".

1 SEC. 43. Section three hundred seventy point thirty-one (370.31),  
2 Code 1950, is amended by striking all of lines one (1) to ten (10), in-  
3 clusive, and inserting in lieu thereof the following: "Any municipal  
4 corporation may locate and erect its city or town hall in any public  
5 park, public square, or public grounds within the corporate limits and  
6 the park".

1 SEC. 44. Section three hundred sixty-eight point thirty-three  
2 (368.33), Code 1950, is hereby repealed.

1 SEC. 45. Section three hundred seventy-eight point ten (378.10)  
2 subsection eight (8), Code 1950, is amended by striking from lines two  
3 (2) and three (3) the words "taxes levied for library purposes as  
4 provided by law" and inserting in lieu thereof the words "portions of  
5 the municipal enterprises fund allocated for library purposes by the  
6 council".

1 SEC. 46. Section three hundred seventy-eight point seventeen  
2 (378.17), Code 1950, is amended by striking from lines one (1) and two  
3 (2) the words "received and set apart" and inserting in lieu thereof  
4 "allocated by the council".

5 Further amend said section by striking from lines seventeen (17)

6 and eighteen (18) the words "any and all library taxes collected by  
7 him monthly" and inserting in lieu thereof the words "moneys  
8 allocated by the council for library maintenance when collected".

1 SEC. 47. Section three hundred seventy-eight point eighteen  
2 (378.18), Code 1950, is amended by striking from line ten (10) the  
3 words "as it may deem important" and inserting in lieu thereof the  
4 words "as required by the council".

1 SEC. 48. Section three hundred seventy-nine point eleven (379.11),  
2 Code 1950, is amended by striking from line two (2) of subsection  
3 eight (8) the words "taxes levied" and inserting in lieu thereof the  
4 words "moneys allocated by the council".

1 SEC. 49. Section three hundred seventy-nine point thirteen  
2 (379.13), Code 1950, is amended by striking all of lines two (2) and  
3 three (3) and inserting in lieu thereof "allocate each year such portion  
4 of the proceeds of the recreation levy as they deem necessary for".

1 SEC. 50. Section three hundred seventy-nine point fourteen  
2 (379.14), Code 1950, is amended by striking lines four (4) and five  
3 (5) and inserting in lieu thereof "recreation fund".

1 SEC. 51. Section three hundred seventy-nine point fifteen  
2 (379.15), Code 1950, is amended by striking from line fourteen (14)  
3 the words "as may be deemed important" and inserting in lieu thereof  
4 the words "as may be required by the council".

1 SEC. 52. Section three hundred seventy-nine-A point four  
2 (379A.4), Code 1950, is amended by adding the following: "In lieu  
3 of the levy provided herein the council may allocate a portion of the  
4 proceeds of the recreation fund not to exceed the amount which would  
5 have been raised by the levy provided herein".

1 SEC. 53. Section three hundred eighty point eight (380.8), Code  
2 1950, is amended by striking from lines two (2) to four (4) the words  
3 "appropriate each year not exceeding five percent of its general fund"  
4 and inserting in lieu thereof the words "allocate such portion of the  
5 municipal enterprises fund as the council deems necessary".

1 SEC. 54. Section three hundred eighty-one point two (381.2), Code  
2 1950, is hereby repealed, effective December 31, 1951.

1 SEC. 55. Section three hundred eighty-one point three (381.3),  
2 Code 1950, is amended by striking from lines seven (7) and eight (8)  
3 the words "city bridge fund" and inserting in lieu thereof the words  
4 "street fund".

1 SEC. 56. Sections three hundred eighty-one point five (381.5) and  
2 three hundred eighty-one point six (381.6), Code 1950, are hereby  
3 repealed.

1 SEC. 57. Section three hundred eighty-one point eight (381.8),  
2 Code 1950, is hereby repealed.

1 SEC. 58. Section three hundred eighty-seven point five (387.5),  
2 Code 1950, is amended by striking all of said section after the word

3 "paid" in line two (2) and inserting in lieu thereof "from the street  
4 fund."

1 SEC. 59. Section three hundred eighty-seven point thirteen  
2 (387.13), Code 1950, is amended by striking all of lines four (4) and  
3 five (5) and inserting in lieu thereof the words "be paid into the street  
4 fund".

1 SEC. 60. Section three hundred eighty-nine point three (389.3),  
2 Code 1950, is amended by striking from lines three (3) and four (4)  
3 the words "general fund, the grading fund, or from the highway or  
4 poll taxes" and inserting in lieu thereof the words "allocations of the  
5 street fund".

1 SEC. 61. Section three hundred eighty-nine point twenty (389.20),  
2 Code 1950, is amended by striking the word "general" from line five  
3 (5) and by striking all of lines six (6) to eight (8), inclusive, and  
4 inserting in lieu thereof "street fund".

1 SEC. 62. Section three hundred ninety-one point thirty-eight  
2 (391.38), Code 1950, is amended by striking lines twelve (12) to  
3 fifteen (15), inclusive, and inserting in lieu thereof the words "from  
4 the sanitation fund. In the case of street improvements such cost  
5 may be paid from the street fund."

1 SEC. 63. Section three hundred ninety-one point forty-two  
2 (391.42), Code 1950, is amended by striking lines five (5) to eight  
3 (8), inclusive, and inserting in lieu thereof "sanitation fund; and the  
4 portion".

1 SEC. 64. Section three hundred ninety-one point forty-three  
2 (391.43), Code 1950, is amended by striking from lines three (3) and  
3 four (4) the words "improvement fund or the general fund" and in-  
4 serting in lieu thereof the words "street fund".

5 Further amend said section by striking all of lines six (6) to nine  
6 (9), inclusive, and inserting in lieu thereof the words "paid from the  
7 sanitation fund".

1 SEC. 65. Section three hundred ninety-one point forty-four  
2 (391.44), Code 1950, is amended by striking from lines six (6) and  
3 seven (7) the words "general fund or the improvement fund" and in-  
4 serting in lieu thereof the words "street fund".

5 Further amend by striking from line eight (8) the words "general  
6 fund or the sewer fund" and inserting "sanitation fund".

1 SEC. 66. Section three hundred ninety-one point sixty-seven  
2 (391.67), Code 1950, is amended by striking from line four (4) the  
3 words "improvement fund" and inserting in lieu thereof the words  
4 "street fund".

1 SEC. 67. Section three hundred ninety-one point sixty-nine  
2 (391.69), Code 1950, is amended by striking from line four (4) the  
3 words "improvement fund" and inserting in lieu thereof the words  
4 "street fund".

1 SEC. 68. Section three hundred ninety-one point seventy (391.70),  
2 Code 1950, is hereby repealed.

1 SEC. 69. Section three hundred ninety-one point seventy-five  
2 (391.75), Code 1950, is amended by striking from lines three (3) to  
3 five (5) the words "sewer fund of any sewer district or from the  
4 sewer fund or from the main sewer fund" and inserting in lieu thereof  
5 the words "sanitation fund".

1 SEC. 70. Sections three hundred ninety-one point ninety-two  
2 (391.92) and three hundred ninety-one point ninety-three (391.93),  
3 Code 1950, are hereby repealed.

1 SEC. 71. Section three hundred ninety-one-A point twenty-five  
2 (391A.25), Code 1950, is amended by striking from lines six (6) and  
3 seven (7) the words "general fund, the improvement fund, or the  
4 street construction" and inserting in lieu thereof the word "street".

5 Further amend said section by striking from lines eight (8) and  
6 nine (9) the words "general fund, its improvement fund or its sewer"  
7 and inserting in lieu thereof the word "sanitation".

1 SEC. 72. Section three hundred ninety-one-A point thirty-one  
2 (391A.31), Code 1950, is amended by striking all of lines twenty (20)  
3 to twenty-three (23), inclusive, and inserting in lieu thereof "shall be  
4 credited to the street fund."

1 SEC. 73. Section three hundred ninety-one-A point thirty-two  
2 (391A.32), Code 1950, is amended by striking from lines five (5) and  
3 six (6) the word "improvement" and inserting in lieu thereof the word  
4 "street".

1 SEC. 74. Section three hundred ninety-two point six (392.6), Code  
2 1950, is amended by striking all of lines fourteen (14) to nineteen  
3 (19), inclusive, and inserting the following in lieu thereof: "of the  
4 sanitation fund, such city or town council shall, in such proposed  
5 resolution, state the amount to be allocated from said fund, and if it  
6 is proposed".

7 Further amend said section by striking from line twenty-six (26)  
8 the words "a joint sewer tax" and inserting in lieu thereof the words  
9 "the sanitation fund".

1 SEC. 75. Section three hundred ninety-two point eight (392.8),  
2 Code 1950, is amended by striking from lines three (3) to five (5) the  
3 words "describe the district or districts wherein it is proposed to levy  
4 a joint sewer tax, if any, and advise the taxpayers" and inserting in  
5 lieu thereof the words "name the amount to be allocated from the  
6 sanitation fund".

1 SEC. 76. Section three hundred ninety-two point twelve (392.12),  
2 Code 1950, is amended by striking all of said section after but not in-  
3 cluding the word "paid" in line three (3) and inserting in lieu thereof  
4 the words "from the sanitation fund."

1 SEC. 77. Section three hundred ninety-five point thirty (395.30),  
2 Code 1950, is repealed and the following enacted in lieu thereof: "The  
3 council shall have power to allocate a portion of the street fund for the  
4 purchase of right of way or the maintenance of the completed flood  
5 control project."

1 SEC. 78. Section three hundred ninety-six point eighteen (396.18),  
2 Code 1950, is amended by striking the word "taxes" from line four (4)  
3 and inserting in lieu thereof the word "assessments".

1 SEC. 79. Section three hundred ninety-six point nineteen (396.19),  
2 Code 1950, is amended by striking the word "taxes" from line three  
3 (3) and inserting in lieu thereof the word "assessments".

1 SEC. 80. Section three hundred ninety-six point twenty (396.20),  
2 Code 1950, is amended by striking from line four (4) the word "taxes"  
3 and inserting in lieu thereof the word "assessments".

1 SEC. 81. Section three hundred ninety-six point twenty-one  
2 (396.21), Code 1950, is amended by striking from line six (6) the  
3 word "taxes" and inserting in lieu thereof the word "assessments".

4 Further amend said section by striking from line ten (10) the  
5 words "city improvement fund" and inserting in lieu thereof the  
6 words "street fund or sanitation fund".

1 SEC. 82. Section three hundred ninety-six point twenty-two  
2 (396.22), Code 1950, paragraph two (2), is amended by striking from  
3 lines three (3) to six (6) the words "pledge the future avails of the  
4 street construction fund as constituted under the provisions of sec-  
5 tion 324.63" and inserting in lieu thereof the words "allocate a fixed  
6 portion of the street fund not to exceed in any year the amount re-  
7 ceived from allocations of the road use tax fund".

1 SEC. 83. Section three hundred ninety-six point twenty-seven  
2 (396.27), Code 1950, is amended by striking from lines two (2) and  
3 three (3) the words "city improvement" and inserting in lieu thereof  
4 the words "street or sanitation".

1 SEC. 84. Section three hundred ninety-nine point nine (399.9),  
2 Code 1950, is amended by striking from line two (2) the words "to  
3 collect and".

4 Further amend said section by inserting after the word "tax" in  
5 line three (3) the words "or such portion of the proceeds of the utili-  
6 ties fund as is allocated in lieu thereof by the council".

1 SEC. 85. Section three hundred ninety-nine point twenty-three  
2 (399.23), Code 1950, is amended by striking all of lines three (3) to  
3 six (6), inclusive, and inserting in lieu thereof the following words  
4 "allocate a portion of the proceeds of the utilities fund to pay for  
5 water used by such cities for public purposes".

1 SEC. 86. Section four hundred three point two (403.2), Code 1950,  
2 is amended by striking from lines three (3) and four (4) the words  
3 "general fund, the grading fund, or the highway or poll taxes" and in-  
4 serting in lieu thereof "street fund".

1 SEC. 87. Chapter four hundred six (406), Code 1950, is hereby  
2 repealed.

1 SEC. 88. Section four hundred seven point fourteen (407.14),  
2 Code 1950, is amended by striking from line two (2) the word "gen-  
3 eral" and inserting in lieu thereof the word "sanitation".

4 Further amend said section by striking from lines four (4) and  
5 five (5) the words "particular fund created therefor" and inserting in  
6 lieu thereof the words "debt service fund".

1 SEC. 89. Section four hundred eight point ten (408.10), Code  
2 1950, is amended by striking all of lines three (3) to fifteen (15), in-  
3 clusive, and inserting in lieu thereof "portions of the streets, public  
4 safety, and sanitation funds allocated for a particular purpose and  
5 may issue".

1 SEC. 90. Section four hundred eight point thirteen (408.13), Code  
2 1950, is amended by striking all of lines three (3) to eleven (11),  
3 inclusive, and inserting in lieu thereof "by the name of the fund from  
4 which allocations are made for their payment and the particular pur-  
5 pose for which they are issued".

1 SEC. 91. Section four hundred eight point fourteen (408.14), Code  
2 1950, is hereby repealed and the following enacted in lieu thereof:  
3 "Said certificates and bonds and interest thereon shall be paid from  
4 allocations of the debt service fund".

1 SEC. 92. Section four hundred sixteen point ninety-five (416.95),  
2 Code 1950, is hereby repealed.

1 SEC. 93. Sections four hundred sixteen point one hundred three  
2 (416.103) and four hundred sixteen point one hundred four (416.104),  
3 Code 1950, are hereby repealed.

1 SEC. 94. Sections four hundred sixteen point one hundred six  
2 (416.106) and four hundred sixteen point one hundred seven  
3 (416.107), Code 1950, are hereby repealed.

1 SEC. 95. Sections four hundred sixteen point one hundred fifteen  
2 (416.115), to four hundred sixteen point one hundred twenty-eight  
3 (416.128), inclusive, Code 1950, are hereby repealed.

1 SEC. 96. Sections four hundred sixteen point one hundred thirty-  
2 two (416.132) and four hundred sixteen point one hundred thirty-  
3 three (416.133), Code 1950, are hereby repealed.

1 SEC. 97. Sections four hundred sixteen point one hundred thirty-  
2 six (416.136) to four hundred sixteen point one hundred thirty-eight  
3 (416.138), inclusive, Code 1950, are hereby repealed.

1 SEC. 98. Section four hundred sixteen point one hundred forty  
2 (416.140), Code 1950, is hereby repealed.

1 SEC. 99. Section four hundred seventeen point twenty-two  
2 (417.22), Code 1950, is hereby repealed.

1 SEC. 100. Section four hundred seventeen point fifty-four  
2 (417.54), subsection four (4), Code 1950, is amended by striking from  
3 lines two (2) and three (3) the words "special improvement fund" and  
4 inserting in lieu thereof "street fund".

1 SEC. 101. Section four hundred seventeen point fifty-four  
2 (417.54), subsection six (6), Code 1950, is amended by striking from



3 line five (5) the word and numerals "chapter 396" and inserting in  
4 lieu thereof "the chapter on taxation".

1 SEC. 102. Section four hundred twenty-six-A point five (426A.5),  
2 Code 1950, is hereby repealed.

1 SEC. 103. Section four hundred forty-one point twenty-six  
2 (441.26), Code 1950, is hereby repealed.

1 SEC. 104. Sections six hundred two point fifty-three (602.53),  
2 and six hundred two point fifty-four (602.54), Code 1950, are hereby  
3 repealed and the following enacted in lieu thereof: "Such building  
4 and grounds shall be financed and paid for in the same manner as jails  
5 and station houses".

1 SEC. 105. Section six hundred two point fifty-seven (602.57),  
2 Code 1950, is hereby repealed.

1 SEC. 106. Section seven hundred fifty point five (750.5), Code  
2 1950, is amended by striking from the last line thereof the word  
3 "general" and inserting in lieu thereof the words "public safety".

1 SEC. 107. This Act shall have its initial application to taxes  
2 certified by municipalities in 1951 for collection in 1952. In preparing  
3 its budget for 1952 the council shall estimate unencumbered balances  
4 according to functional funds as of December 31, 1951.

1 SEC. 108. Sections four hundred sixteen point one hundred thirty-  
2 four (416.134) and four hundred sixteen point one hundred thirty-five  
3 (416.135), Code 1950, are hereby repealed.

Approved May 2, 1951.

## CHAPTER 160

### AUDITORIUM FUNDS

S. F. 344

AN ACT to amend section four hundred four point five (404.5), Code 1950, and to authorize an auditorium fund and an auditorium building fund for municipal corporations.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred four point five (404.5)\*, Code  
2 1950, is amended by adding at the end thereof the following two new  
3 subsections:

4 "Auditorium fund. When a municipal auditorium has been estab-  
5 lished in any city or town under the general powers conferred by law  
6 on such municipal corporations, not exceeding one mill in all cities and  
7 towns having a population of more than thirty-five thousand, which  
8 shall be used only for maintenance and operation of such auditoriums.

9 "Auditorium building fund. When a municipal auditorium has been  
10 fully completed and paid for, no further levies shall be made for that  
11 purpose, but may be made for the purpose of providing funds for im-  
12 provements and repairs at a rate not to exceed one-half mill."

\*Repealed by chapter 159; see substitute, section 10 thereof.